

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

99 MAR -3 PM 2:37

U.S. DISTRICT COURT
N.D. OF ALABAMA

SOUTHERN NATURAL GAS
COMPANY,

Plaintiff,

vs.

CV 98-L-0448-S

2.824 ACRES OF LAND LOCATED
IN CULLMAN COUNTY, ALABAMA;
EVERT D. MCCLENDON, WILLIAM
A. SANDLIN, SHEILA SANDLIN ET AL,

RE: CULLMAN TRACT 125

Defendants,

ENTERED

MAR 03 1999

MEMORANDUM OPINION

I. Introduction

Currently pending before this court is a motion to reject or modify Report of Commissioners filed by defendant. Under Rule 53(e)(2) of the Federal Rules of Civil Procedure, "the court after hearing may adopt the report or may modify it or may reject it in whole or in part." The following paragraphs contain the items that were discussed in oral argument, defendant's objections to the Report of Commissioners, and the findings of the court.

II Damages Awarded For The Permanent Easement (\$6,100)

The Commissioners determined that the value of the land taken for the permanent easement to be \$6,100. Neither party has objected to this award, and the Commission's

findings are approved and adopted as the findings of the court.

III. Damage To The Remaining Property (\$1,500)

The Commission recommended that landowners be awarded \$1,500 for the damage to the remaining property. Defendant objects to this award arguing that the Commissioners failed to adequately compensate the defendant and that defendant offered testimony from Mr. Sandlin and Barbara Dunn that the remaining property would be reduced by one-third (1/3) to one-half (1/2). The court finds that the Commission did properly consider all evidence presented, and the amounts awarded are not clearly erroneous. Thus, the Commission's \$1,500 award for damage to remaining property outside the permanent easement is approved and adopted by the court.

IV. Amount Awarded For The Temporary Easement (\$843)

The Commissioners determined the value of the temporary easement to be \$843. Neither party has objected to this award, and the Commission's findings are approved and adopted as the findings of the court.

V. Damages Awarded For The Said Damage To The Residence (\$0)

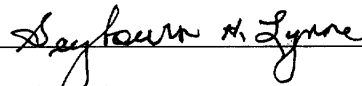
The court finds that there is no evidence to support an award for damage to the residence due to the pipeline.

VI Conclusion

The Commissioners have recommended an award to the owners of the property in the amount of \$8,443.

In view of the foregoing discussion, the court has decided to adopt such awards, and a separate judgment will be entered in the amount of \$8,443 as just compensation for the taking of the above-described easement,

Done this 2nd day of March, 1999.



Senior Judge